

REMARKS

The indication by the Examiner of allowable subject matter in claims 3-5, 17 and 18 is gratefully acknowledged.

In response to the rejection under 35 USC 112, the pertinent phrase in claim 12 has been changed to “within one shaft diameter of the lower boundary”. The feature of the shaft extending downward from the upper boundary to within one shaft diameter of the lower boundary is described in paragraph [00013] on page 6 of the specification and is shown in Fig. 5. Claim 13 claims this feature as the shaft having a transverse cross-sectional area having a width, the space has a lower boundary, and the shaft extends downward from the upper boundary to within one said width of the lower boundary. This is done in case shafts having non-circular cross-sections are not considered to be covered by claim 12. The “said width” of line 3 of claim 13 is introduced earlier in claim 13. In addition, “ceiling” has been changed to “upper boundary” in claims 1 and 16.

Reconsideration of the rejection of claims 1, 2 and 6 under 35 USC 102 as being anticipated by Koplon is respectfully requested. Claim 1 calls for a system comprising, in part, at least one make-up air shaft enabling outside air to enter the space, the make-up air shaft positioned at the upper boundary, and means for enabling the make-up air shaft to deploy from a first condition, in which the entire make-up air shaft is at or near the upper boundary, to a second condition. Two conditions of an air shaft according to the present invention can be seen in Figs. 3 and 4 of the present application.

It appears that the Examiner considers one of the floors 10 of Koplon, for example, the floor 10 containing the arrows in Fig. 2, to be the “space” of claim 1 of the present application.

It also appears that the Examiner considers the elevator shaft 13 of Koplon to be the “shaft” of claim 1. The elevator shaft 13 is fixed, extending at all times from the top of the floor 10 to the bottom of the floor 10. In view of this, there is no disclosure in Koplon of the elevator shaft 13 having a first condition in which the entire elevator shaft 13 is at or near the upper boundary of the space defined by the floor 10 containing the arrows. Accordingly, there is no disclosure in Koplon of the elevator shaft 13 having means for enabling the elevator shaft 13 to deploy from a first condition in which the entire elevator shaft is at or near the upper boundary of the space to a second condition, as is required by claim 1. The fact that an elevator car 15 is movable in the shaft 13 does not satisfy the requirement of claim 1 of means for enabling the shaft to deploy from a first condition in which the entire shaft is at or near the upper boundary of the space to a second condition. If the Examiner considered the building of Koplon as a whole to be the “space” of claim 1, Koplon would not anticipate claim 1 for reasons similar to those just presented.

Reconsideration of the rejection of claims 7-14 under 35 USC 102 as being anticipated by Munk et al. is also respectfully requested. Claim 7 calls for a system comprising, in part, at least one opening through the upper boundary of a space to exhaust smoke from the space, and at least one make-up air shaft communicating through the upper boundary with air outside the space. Munk et al. does not disclose any openings through the upper boundary of any space, whether the space is one of the floors of a building or the building as a whole. The outlet louvers L_E of Munk et al. are “located in the side of the building” (column 9, lines 14 and 15), not in a roof or other upper boundary. The louvers L_F are similarly located. Thus, it is submitted that claims 7-14 are patentable over Munk et al.

Reconsideration of the rejection of claim 15 under 35 USC 102 as being anticipated by

any one of Iwata, Pardoel et al. or Koplon is also respectfully requested. Claim 15 calls for a method comprising, in part, exhausting smoke from a space through at least one opening in the upper boundary of the space, and introducing make-up air into the space through at least one make-up air shaft communicating through the upper boundary with air outside the space. In contrast, Iwata does not disclose any openings in an upper boundary of any space. Furthermore, Iwata expels smoke by opening windows in side walls of a space and introduces air into the space through openings in the door 5.

Pardoel et al. does not disclose exhausting or otherwise handling smoke. The stale air that is exhausted in Pardoel et al. is exhausted through side walls of a space, not through an upper boundary of the space.

Koplon does not exhaust smoke from a space through any opening in an upper boundary of the space, but rather through broken windows in a side wall of a space (column 3, lines 43-48). In view of the foregoing, it is submitted that claim 15 is patentable over Iwata, Pardoel et al. and Koplon.

Reconsideration of the rejection of claims 16 and 19 under 35 USC 102 as being anticipated by Koplon is respectfully requested. Claim 16 depends on claim 7, and claim 19 depends on claim 16. Claim 16 calls for an arrangement enabling a make-up air shaft to deploy from a first condition, in which the entire make-up air shaft is at or near the upper boundary, to a second condition. As was stated in connection with claims 1, 2 and 6, there is no disclosure in Koplon of the elevator shaft 13 having a first condition in which the entire elevator shaft 13 is at or near the upper boundary of the space defined by the floor 10 containing the arrows. Accordingly, there is no disclosure in Koplon of the elevator shaft 13 having an arrangement for enabling the elevator shaft 13 to deploy from a first condition in which the entire elevator shaft is

at or near the upper boundary of the space to a second condition, as is required by claim 16.

In view of the foregoing, applicant submits that all the claims are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0562.

Respectfully submitted,

Date: 9-29-05

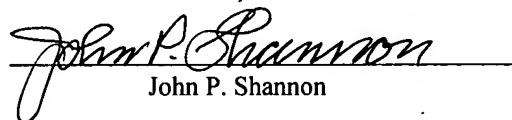

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